

§ 6435a. Standards of conduct and disclosure**(a) Cooperation with nongovernmental organizations, the Department of State, and Congress**

The Commission shall seek to effectively and freely cooperate with all entities engaged in the promotion of religious freedom abroad, governmental and nongovernmental, in the performance of the Commission's duties under this subchapter.

(b) Conflict of interest and antinepotism**(1) Member affiliations**

Except as provided in paragraph (3), in order to ensure the independence and integrity of the Commission, the Commission may not compensate any nongovernmental agency, project, or person related to or affiliated with any member of the Commission, whether in that member's direct employ or not. Staff employed by the Commission may not serve in the employ of any nongovernmental agency, project, or person related to or affiliated with any member of the Commission while employed by the Commission.

(2) Staff compensation

Staff of the Commission may not receive compensation from any other source for work performed in carrying out the duties of the Commission while employed by the Commission.

(3) Exception**(A) In general**

Subject to subparagraph (B), paragraph (1) shall not apply to payments made for items such as conference fees or the purchase of periodicals or other similar expenses, if such payments would not cause the aggregate value paid to any agency, project, or person for a fiscal year to exceed \$250.

(B) Limitation

Notwithstanding subparagraph (A), the Commission shall not give special preference to any agency, project, or person related to or affiliated with any member of the Commission.

(4) Definitions

In this subsection, the term "affiliated" means the relationship between a member of the Commission and—

(A) an individual who holds the position of officer, trustee, partner, director, or employee of an agency, project, or person of which that member, or relative of that member of,¹ the Commission is an officer, trustee, partner, director, or employee; or

(B) a nongovernmental agency or project of which that member, or a relative of that member, of the Commission is an officer, trustee, partner, director, or employee.

(c) Contract authority**(1) In general**

Subject to the availability of appropriations, the Commission may contract with and compensate Government agencies or persons for

the conduct of activities necessary to the discharge of its functions under this subchapter. Any such person shall be hired without interruption or loss of civil service or Foreign Service status or privilege. The Commission may procure temporary and intermittent services under the authority of section 3109(b) of title 5, except that the Commission may not expend more than \$250,000 in any fiscal year to procure such services.

(2) Expert study

In the case of a study requested under section 6474 of this title, the Commission may, subject to the availability of appropriations, contract with experts and shall provide the funds for such a study. The Commission shall not be required to provide the funds for that part of the study conducted by the Comptroller General of the United States.

(d) Gifts**(1) In general**

In order to preserve its independence, the Commission may not accept, use, or dispose of gifts or donations of services or property. An individual Commissioner or employee of the Commission may not, in his or her capacity as a Commissioner or employee, knowingly accept, use or dispose of gifts or donations of services or property, unless he or she in good faith believes such gifts or donations to have a value of less than \$50 and a cumulative value during a calendar year of less than \$100.

(2) Exceptions

This subsection shall not apply to the following:

(A) Gifts provided on the basis of a personal friendship with a Commissioner or employee, unless the Commissioner or employee has reason to believe that the gift was provided because of the Commissioner's position and not because of the personal friendship.

(B) Gifts provided on the basis of a family relationship.

(C) The acceptance of training, invitations to attend or participate in conferences or such other events as are related to the conduct of the duties of the Commission, or food or refreshment associated with such activities.

(D) Items of nominal value or gifts of estimated value of \$10 or less.

(E) De minimis gifts provided by a foreign leader or state, not exceeding a value of \$260. Gifts believed by Commissioners to be in excess of \$260, but which would create offense or embarrassment to the United States Government if refused, shall be accepted and turned over to the United States Government in accordance with the Foreign Gifts and Decorations Act of 1966 and the rules and regulations governing such gifts provided to Members of Congress.

(F) Informational materials such as documents, books, videotapes, periodicals, or other forms of communications.

(G) Goods or services provided by any agency or component of the Government of the United States, including any commis-

¹ So in original. The comma probably should follow "member".

sion established under the authority of such Government.

(e) Annual financial report

In addition to providing the reports required under section 6432 of this title, the Commission shall provide, each year no later than January 1, to the Committees on Foreign Affairs and Appropriations of the House of Representatives, and to the Committees on Foreign Relations and Appropriations of the Senate, a financial report detailing and identifying its expenditures for the preceding fiscal year.

(Pub. L. 105–292, title II, §208, as added Pub. L. 106–55, §1(b)(5), Aug. 17, 1999, 113 Stat. 403; amended Pub. L. 107–228, div. A, title VI, §681(f), Sept. 30, 2002, 116 Stat. 1409; Pub. L. 112–75, §5, Dec. 23, 2011, 125 Stat. 1273.)

REFERENCES IN TEXT

The Foreign Gifts and Decorations Act of 1966, referred to in subsec. (d)(2)(E), is Pub. L. 89–673, Oct. 15, 1966, 80 Stat. 952, as amended, which was classified principally to chapter 37 (§2621 et seq.) of this title. The Act was substantially repealed, except for provisions which are classified to section 2625 of this title, and with limited applicability, to section 2621 of this title, and was restated in section 7342 of Title 5, Government Organization and Employees, by Pub. L. 90–83, §10(b), Sept. 11, 1967, 91 Stat. 224. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2011—Subsec. (c)(1). Pub. L. 112–75, §5(1), substituted “\$250,000” for “\$100,000”.

Subsec. (e). Pub. L. 112–75, §5(2), substituted “Foreign Affairs” for “International Relations”.

2002—Subsec. (c)(1). Pub. L. 107–228 substituted “The Commission may procure temporary and intermittent services under the authority of section 3109(b) of title 5, except that the Commission may not expend more than \$100,000 in any fiscal year to procure such services.” for “The Commission may not procure temporary and intermittent services under section 3109(b) of title 5 or under other contracting authority other than that allowed under this subchapter.”

§ 6436. Termination

The Commission shall terminate on September 30, 2014.

(Pub. L. 105–292, title II, §209, formerly §206, Oct. 27, 1998, 112 Stat. 2800; renumbered §209 and amended Pub. L. 106–55, §1(b)(2), (c), Aug. 17, 1999, 113 Stat. 401, 405; Pub. L. 107–228, div. A, title VI, §681(g), Sept. 30, 2002, 116 Stat. 1409; Pub. L. 112–75, §6, Dec. 23, 2011, 125 Stat. 1273.)

AMENDMENTS

2011—Pub. L. 112–75 substituted “September 30, 2014” for “September 30, 2011”.

2002—Pub. L. 107–228 substituted “September 30, 2011” for “May 14, 2003”.

1999—Pub. L. 106–55, §1(c), which directed substitution of “on May 14, 2003” for “4 years after the initial appointment of all the Commissioners”, was executed by making the substitution for “4 years after the initial appointment of all of the Commissioners”, to reflect the probable intent of Congress.

EXTENSION OF TERMINATION DATE

Pub. L. 112–74, div. I, title I, Dec. 23, 2011, 125 Stat. 1173, provided in part: “That section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting ‘September 30, 2012’ for ‘September 30, 2011’”.

SUBCHAPTER III—PRESIDENTIAL ACTIONS

PART A—TARGETED RESPONSES TO VIOLATIONS OF RELIGIOUS FREEDOM ABROAD

§ 6441. Presidential actions in response to violations of religious freedom

(a) Response to violations of religious freedom

(1) In general

(A) United States policy

It shall be the policy of the United States—

(i) to oppose violations of religious freedom that are or have been engaged in or tolerated by the governments of foreign countries; and

(ii) to promote the right to freedom of religion in those countries through the actions described in subsection (b) of this section.

(B) Requirement of Presidential action

For each foreign country the government of which engages in or tolerates violations of religious freedom, the President shall oppose such violations and promote the right to freedom of religion in that country through the actions described in subsection (b) of this section.

(2) Basis of actions

Each action taken under paragraph (1)(B) shall be based upon information regarding violations of religious freedom, as described in the latest Country Reports on Human Rights Practices, the Annual Report and Executive Summary, and on any other evidence available, and shall take into account any findings or recommendations by the Commission with respect to the foreign country.

(b) Presidential actions

(1) In general

Subject to paragraphs (2) and (3), the President, in consultation with the Secretary of State, the Ambassador at Large, the Special Adviser, and the Commission, shall, as expeditiously as practicable in response to the violations described in subsection (a) of this section by the government of a foreign country—

(A) take one or more of the actions described in paragraphs (1) through (15) of section 6445(a) of this title (or commensurate action in substitution thereto) with respect to such country; or

(B) negotiate and enter into a binding agreement with the government of such country, as described in section 6445(c) of this title.

(2) Deadline for actions

Not later than September 1 of each year, the President shall take action under any of paragraphs (1) through (15) of section 6445(a) of this title (or commensurate action in substitution thereto) with respect to each foreign country the government of which has engaged in or tolerated violations of religious freedom at any time since September 1 of the preceding year, except that in the case of action under any of paragraphs (9) through (15) of section